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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,220	07/06/2000	Scott Arouh	DIA 0002P	4817

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01/08/2004

Attention William C Fues
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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance
With 37 CFR 1.192(c)**

Application No.

09/611,220

Applicant(s)

AROUH ET AL.

Examiner

Marianne P. Allen

Art Unit

1631


--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 24 October 2003 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☒ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet


Marianne P. Allen
Primary Examiner
Art Unit: 1631

Continuation of 9. Other (including any explanation in support of the above items): The brief improperly contains new evidence and argument with respect to this evidence (see at least page 9 of brief). New evidence must be submitted in a paper separate from the appeal brief. See MPEP 1207. Appellant is reminded that entry of this evidence is not a matter of right.

The brief improperly refers to the Schork Declaration which was not entered nor considered as indicated on the advisory action dated 4/1/03. This declaration was not timely filed. As such, inclusion of argument with respect to this declaration in the brief is also improper.

While the brief refers to the appendix containing the appealed claims, no appendix was attached to the appeal brief.

The brief does not address the status of all claims, pending or cancelled. Only the status of claims 9-10 and 14-15 ^{1a} ~~2a~~ mentioned.

The explanation of the invention refers only to the abstract and not to the descriptive portion of the specification. The abstract does not disclose the claim limitations for the claims on appeal..